IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

Ins.APP.No. 30 of 2006()

IC.148/2002 of EMPLOYEES INSURANCE COURT, ALAPPUZHA
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APPELLANT:OPP.PARTY:-

THE REGIONAL DIRECTOR,
E S I CORPORATION, PANCHADEEP BHAVAN,
THRISSUR-20.

BY ADV. SMT.T.D.RAJALAKSHMY, SC, ESI CORPN.

RESPONDENT:APPLICANT:-

M/S. SREE KRISHNA TRADING COMPANY,
JEW TOWN, COCHIN-682 002, REPRESENTED
BY ITS PROPIRETOR K. RAMACHANDRAN.

BY ADV. SRI.A.V.XAVIER
SMT.THUSHARA JAMES

THIS INSURANCE APPEALS HAVING BEEN FINALLY HEARD ON 19/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S. Radhakrishnan &
T.R. Ramachandran Nair, JJ.

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Insurance Appeal No.30 of 2006

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Dated this the 19th day of November, 2007

JUDGMENT

Radhakrishnan, J.

This appeal is filed against the judgment in I.C. No.148 of 2002 of the Employees' Insurance Court, Alappuzha. The applicant had approached the Employees Insurance Court challenging the assessment orders in respect of the period from 4.3.1992 to 30.9.1992 and from 1.4.1993 to 30.9.1996. It is stated that the above issue was the subject matter of previous litigation before this court in I.C. Nos.96/1993 and 22/2000 and after taking evidence, by judgment dated 1.2.2002 this court declared that the total liability of the applicant for the above said period would be Rs.19,503/-. It is stated that against the above judgment, the E.S.I. Corporation did not file any appeal and the same has become final. In such circumstances, this court held that the Corporation cannot demand additional contribution of Rs.5,285/-. However, the application was disposed of directing the Corporation to revise both the orders imposing damages and levying interest and based on the observations contained in the said order. We find that the Corporation had never challenged the order passed by the Insurance

Court directing them to revise both the orders demanding damages and levying interest. That part of the order has become final. The Corporation had challenged only that part of the order rejecting the request for additional contribution. The Insurance Court was of the view that the claim for additional contribution was time barred in terms of Section 77(1-A) of the E.S.I. Act. Since the matter is covered by an earlier judgment, we do not find any ground to consider the question afresh.

In the above circumstances, this appeal is dismissed.

(K.S. Radhakrishnan, Judge.)

(T.R. Ramachandran Nair, Judge.)

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